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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,422	08/28/2003	Albert J. Heber	GTI-1543	7236

7590 07/21/2004

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EXAMINER

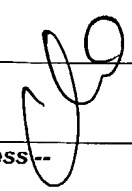
YEUNG, JAMES C

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,422	Applicant(s) HEBER ET AL.	
	Examiner James C Yeung	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-12,14,15 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 3-7,13,16-18 and 25-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08282003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 47. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no proper antecedent basis for each of "said first side", "said second side", and "said air supply plenum" in lines 3 and 5.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8-10, 19, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith. The structure as claimed is fully anticipated by Smith. In particular, Smith shows in Figs. 1-4 a conveyor oven comprising:

a blower box (55);

at least one heating section wall (30) defining a heating space in fluid communication with the blower box (55), the heating space having a back side (100) proximate the blower box (55) and an opposite facing front side (26f) disposed distal from the blower box (55);

a plurality of spaced apart pair of spaced apart first and second heated air distribution plenums (90a,90b) disposed in the heating space having a heated air inlet opening (105) in fluid communication with the blower box (55) and the spaced apart pairs forming a return air conduit (81,89) therebetween extending between the back side (100) and the front side (26f) of the heating space and having an return air outlet end (75) in fluid communication with the blower box (55);

each of the first and second heated air distribution plenums (90a,90b) having a substantially planar heated distribution plate (92a,92b) facing a space between the first

and second heated air distribution plenums (90a,90b) and having a plurality of heated air outlet openings (94,96,97,98); and

a heating surface (15) for supporting an object to be heated disposed between the spaced apart first and second heated air distribution plenums (90a,90b).

5. Claims 1-2, 8-10, 14-15, 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Shei. The structure as claimed is fully anticipated by Shei. In particular, Shei shows in Figs. 1-6 a conveyor oven comprising:

a blower box (84);

at least one heating section wall (10) defining a heating space (11) in fluid communication with the blower box (84), the heating space having a back side (68) proximate the blower box (84) and an opposite facing front side (14) disposed distal from the blower box (84);

a plurality of spaced apart pair of spaced apart first and second heated air distribution plenums (40,42) disposed in the heating space (11) having a heated air inlet opening (54A,54B)) in fluid communication with the blower box (84) and the spaced apart pairs forming a return air conduit (60) therebetween extending between the back side (68) and the front side (14) of the heating space (11) and having an return air outlet end (not numbered in Fig. 6) in fluid communication with the blower box (64);

each of the first and second heated air distribution plenums (40,42) having a

Art Unit: 3749

substantially planar heated distribution plate (note numbered) facing a space between the first and second heated air distribution plenums (40,42) and having a plurality of heated air outlet openings (43); and

a heating surface (26) for supporting an object to be heated disposed between the spaced apart first and second heated air distribution plenums (40,42).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

Smith discloses the invention substantially as claimed. However, Smith does not disclose that the nozzle wall is longer on a side of the heated air outlet opening distal from the blower box.

However, it is noted that the particular length selected is deemed obvious matter of design choice as admitted by applicant on page 13, lines 2-6 of the instant specification. No patentable weight can be given thereto in the absence of a showing of criticality by applicants.

Art Unit: 3749

8. Claims 3-7, 13, 16-18, and 25-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaminski is cited to show a burner for a conveyor oven.

Hardenburger is cited to show a conveyor oven for carrying food products.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C Yeung whose telephone number is 703 308-1047. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JY
July 15, 2004


James C. Yeung
Primary Examiner